

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in this application.

The Office action rejects claims 1-20 under 35 U.S.C. 102(e) over Yu (USP 7,167,560). The applicant respectfully traverses this rejection.

"A rejection under U.S.C. 102(b) is proper only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim." **MPEP 2131**. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." **BPAI Opinion No. 2005-2289, October 2005**.

Yu fails to teach a method that includes defining a distortion algorithm that is executable to generate a lower quality version of electronic content by a distortion of a high quality version of the electronic content, and distributing the higher quality version and the distortion algorithm, as claimed in claim 1, upon which claims 2-6 and 20 depend.

Yu fails to teach a medium that includes a high quality version of an electronic content and a distortion algorithm that is executable to generate a lower quality version of the electronic content by a distortion of the high quality version of the electronic content, as claimed in claim 7, upon which claim 8 depends.

Yu fails to teach a player that includes a decryption unit operable to decrypt and decode a high quality version of an electronic content and a distortion unit operable to generate a lower quality version of the electronic content by a distortion of the decrypted and decoded high quality version of the electronic content, as claimed in claim 9, upon which claims 10-19 depend.

The Office action asserts that Yu teaches distributing a higher quality version, a distortion algorithm, and a content key at column 3, lines 6-21 and column 7, lines 21-57. The applicant respectfully disagrees with this assertion. As the Office action notes, at the cited text, Yu teaches distributing a copy of content material that includes multiple quality levels. Yu does not teach distributing a copy of a distortion algorithm with the copy of the content material.

The Office action fails to identify which element of Yu corresponds to a distortion algorithm, and fails to identify where Yu teaches distributing such a distortion algorithm. The applicant claims a distortion algorithm that is executable to generate a lower quality version of the electronic content by a distortion of a high quality version of the electronic content. Assuming in argument that Yu's partial encryptor 111 is interpreted to correspond to the claimed distortion algorithm, the applicant respectfully notes that this encryptor 111 is used to create the copy of the content material with different quality levels at the source of the copy. Yu does not teach that this encryptor 111 is distributed to recipients of the content material, and, with regard to claim 9, does not teach that this encryptor 111 is included in a content player.

Because Yu provides a copy at different quality levels, there is no need for Yu to distribute the encryptor 111 that created the copy. Yu does not distribute anything but the copy of the content material and the various decryption keys; Yu does not distribute an algorithm that distorts the content material.

Because Yu fails to teach distributing a high quality version of content material and a distortion algorithm that distorts this version, as specifically claimed in claim 1, fails to teach a medium that includes a high quality version of content material and a distortion algorithm that distorts this version, as claimed in claim 7, and fails to teach a player that includes a distortion algorithm that distorts a higher quality version of content material, as claimed in claim 9, the applicant respectfully maintains that the rejection of claims 1-8 and 20 under 35 U.S.C. 102(e) over Yu is unfounded, per MPEP 2131, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

/Robert M. McDermott/
Robert M. McDermott, Esq.
Reg. 41,508
804-493-0707

Please direct all correspondence to:
Corporate Counsel
U.S. PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001